IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3009 OF 1992

Adarsh Sahakari Grihnirman
Sanstha Maryadi ... .. Petitioner

Vs

Gulabrao Ahmed Tamboli & 3 ors. .. Respondents

Mr Pramod N.Joshi, for the petitioner.
Ms M.P.Thakur, AGP for the State.
Mr Rahul Matkari, for respondent no.1.

CORAM : D.B.BHOSALE,J.

DATE : 30.11.2005.

PC:

1. Heard the learned counsel for the parties.

2. The order impugned in the present writ petition is admittedly passed in the second revision application filed before the State. In view thereof, Mr Joshi, learned counsel for the petitioner, submits that the order is without jurisdiction since the second revision under section 154 of the Maharashtra Co-operative Societies Act is not tenable. He placed reliance upon

the judgment of this Court in **Khamgaon Urban Co-operative Bank Ltd and Anr Vs. Deepak s/o Wamanrao Ware and ors - 2003 (1) Mh.L.J.10** in support of this contention. Learned counsel for the respondents, fairly stated that the law laid down by this Court in the aforesaid judgment squarely applies to the facts of the present case. In view of this, rule is made absolute. The impugned judgment and order dated 3.1.1992 passed by respondent no.4 in revision application no.1689/ 7685/188/15-C is set aside. It is open for the petitioners to adopt appropriate remedy as may be available in law.

(D.B.Bhosale,J.)